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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 EDIBERTO ASEVEZ-SANTILLANO,

14 Defendant.

CASE NO. CR15-259 JLR

ORDER ON MOTION TO REDUCE
SENTENCE

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16 The above-entitled Court, having received and reviewed Defendant Asevez-Santillano's
17 motion for reduction of sentence (Dkt. No. 942), the Government's response to Defendant's
18 motion (Dkt. No. 943), all attached exhibits, and relevant portions of the record, rules as follows:

19 IT IS ORDERED that the motion is DENIED.

20 Mr. Asevez-Santillano plead guilty to Conspiracy to Distribute Controlled Substances, at
21 the lesser-included 841(b)(1)(B) level. As part of the plea agreement, the parties consented to a
22 sentencing range of eight to twelve years, well below the Guideline range of 262 – 327 months,
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1 as calculated by the Government and the Probation Office. This Court sentenced Defendant to
2 120 months – the middle of the agreed-upon range – on July 1, 2016.

3 Defendant's motion contains heartfelt apologies and regret for his conduct, as well as
4 chronicling a truly impressive list of activities and courses that he has undertaken to improve his
5 education and language skills and explore his spirituality. The Court congratulates him on his
6 efforts and is confident that the steps he has taken towards self-improvement will greatly
7 increase his chances of a successful transition once he is released.

8 It is, however, not within this Court's authority to grant his request for an earlier release.
9 "A district court does not have inherent authority to modify a previously imposed sentence; it
10 may do so only pursuant to statutory authorization." *United States v. Smartt*, 129 F.3d 539, 540
11 (9th Cir. 1997) (quoting *United States v. Mendoza*, 118 F.3d 707, 709 (10th Cir. 1997)). Once a
12 sentence is imposed, a court may not modify a term of imprisonment, except to the extent
13 permitted by statute or by Rule 35 of the Federal Rules of Criminal Procedure. *See* 18 U.S.C. §§
14 3582(b) and (c); *United States v. Dillon*, 560 U.S. 817 (2010).

15 Mr. Asevez-Santillano does not cite to any statutory grounds supporting his request
16 (including 28 U.S.C. § 2255), and the Court is unaware of any. In the absence of any statute
17 permitting the Court to do as Defendant requests, his motion must be denied.

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20 The clerk is ordered to provide copies of this order to Defendant and to all counsel.

21 Dated April 1, 2020.

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23 Marsha J. Pechman
24 United States Senior District Judge